

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PHILLIP ROSEMANN, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 10-CV-1165-LRR
)	
MARTIN SIGILLITO, et al.,)	
)	
Defendants.)	

CONSENT PROTECTIVE ORDER

To protect the legitimate interests and the privacy of the settling parties in maintaining the confidentiality of the terms of their settlement agreements and to protect the legitimate right of the non-settling parties to have access to relevant information in connection with these proceedings, Plaintiffs Phillip Rosemann, et al (“Plaintiffs”), Defendant Swinburne & Jackson (“Swinburne”), Defendant Paul Vogel (“Vogel”), Defendant Enterprise Bank & Trust (“EB&T”) and Defendant Martin Sigillito (“Sigillito”), collectively “the Parties”, hereby jointly submit this Protective Order (the “Order”) to the Court pursuant to Federal Rule of Civil Procedure 26(c). This Order shall be permanently binding and enforceable against the Parties, their officers, agents, servants, employees, attorneys, and all legal or equitable successors, and all other persons participating with any of them who received actual notice hereof.

1. APPLICABILITY. This Order shall apply to the settlement agreements executed by and between Plaintiffs, Swinburne and Vogel to settle the claims brought by Plaintiffs against Swinburne and Vogel. Each page of the settlement agreements produced under this order shall bear the stamp “CONFIDENTIAL RULE 408 SETTLEMENT NEGOTIATIONS” and upon the entry of this Order, Plaintiffs and their attorneys will release to EB&T and Sigillito and their

attorneys copies of the settlement agreements and/or releases.

2. PROTECTION.

(a) No subject matter designated “CONFIDENTIAL RULE 408 SETTLEMENT NEGOTIATIONS” in accordance with this Order may be disclosed, discussed or in any way communicated to any person other than:

(i) The respective attorneys of record for EB&T and Sigillito who are signatories to this agreement, including paralegals and immediate secretarial and clerical staffs who may be assisting said attorneys in the preparation of this case.

(ii) EB&T and Sigillito and their respective insurers, when it is necessary for a person designated in subparagraph (i) above to confer for the purpose of preparing this action.

No subject matter designated “CONFIDENTIAL RULE 408 SETTLEMENT NEGOTIATIONS” shall be used, conveyed or transmitted in any manner by any person or entity for any purpose whatsoever other than for the preparation for trial of this action or seeking a set-off of a plaintiffs’ verdict in this action. In the event that any subject matter designated as “CONFIDENTIAL RULE 408 SETTLEMENT NEGOTIATIONS” shall be filed with the Court it shall be filed under seal.

All subject matter designated or held “CONFIDENTIAL RULE 408 SETTLEMENT NEGOTIATIONS” under this Order, all copies thereof, and all memoranda or other media disclosing the contents thereof shall remain, except as specified below, in the custody of persons subject to this Order.

Within 60 days of the final termination of this action, the non-settling parties who have received documents marked as confidential pursuant to this Protective Order shall destroy all

such subject matter, including all copies or duplicates thereof.

3. ENFORCEMENT. A violation of this order shall be a contempt of Court, and may be redressed by any appropriate process on motion of any party or other person or entity aggrieved by such violation. In addition to any other remedy, the party violating this Order shall pay \$1,000.00 per violation, plus the attorneys' fees of the party successfully seeking enforcement and obtaining the order of contempt.

Dated: May 29, 2013

Respectfully submitted,

/s/ Thomas Plunkert
Thomas J. Plunkert (Mo Bar #26438)
Leritz, Plunkert & Bruning, P.C.
555 Washington Ave., Suite 600
St. Louis, MO 63101
Email: tplunkert@leritzlaw.com
Attorneys for Martin Sigillito

/s/ Randal K. Mullendore
Randal K. Mullendore (Mo Bar#40889)
Husch Blackwell, LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Email: randy.mullendore@huschblackwell.com
Attorneys for Enterprise Bank

/s/ Daniel G. Tobben
Daniel G. Tobben (Mo Bar # 24219)
Danna Mckitrick, P.C.
7701 Forsyth Boulevard, Suite 800
St. Louis, MO 63105
Email: dtobben@dmfirm.com
Attorneys for Paul Vogel

/s/ Steven H. Schwartz
Steven H. Schwartz (Mo Bar#36436)
Brown and James, P.C.
800 Market Street, 1100
St. Louis, MO 63101
Email: sschwartz@bjpc.com
Attorneys for Swinburne & Jackson,
LLP

/s/ Jonathan F. Andres

Jonathan F. Andres (Mo. Bar 39531)
Green Jacobson, P.C.
7733 Forsyth Boulevard, Suite 700
St. Louis, MO 63105
Tel: (314) 862-6800
Email: andres@stlouislaw.com
Attorney for Plaintiffs Cobb,
McLemore, Shahan and Sincoski

/s/ Sebastian Rucci

Sebastian Rucci (E.D. Mo. 178114CA)
Law Offices of Sebastian Rucci
401 E. Ocean Blvd., Suite 1240
Long Beach, CA 90802
Tel: (330) 720-0398
Email: sebrucci@gmail.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was filed electronically with the clerk of the court this 29th day of May, 2013, via the CM/ECF filing system, which sent the notification of filing to all counsel of record.

/s/ Randal K. Mullendore